

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TERESHA HOWARD, JAMAL HOW-
ARD,

Plaintiffs,

Case No. 5:24-CV-01457-JKP

v.

AIRBNB, INC., ROBERT BRAZIL,
NOVITA BRAZIL, DECEASED;

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Defendants Robert Brazil and Novita Brazil (Deceased)’s (the “Brazils”) Motion to Dismiss filed March 7, 2025. *ECF No. 17*. To date, Plaintiffs Teresha Howard and Jamal Howard (“Plaintiffs”) filed no substantive response. Upon consideration, the Court **GRANTS** the Brazils’ Motion to Dismiss, (*ECF No. 17*).

BACKGROUND

On May 7, 2025, United States Magistrate Judge Elizabeth S. Chestney ordered Plaintiffs to show cause for failing to respond to the Brazils’ Motion. *ECF No. 19*. On May 20, 2025, Plaintiffs filed their Response stating, “Plaintiffs request Mr. Robert Brazil’s motion for dismissal to be denied.” *ECF No. 20*. Because this is not a substantive response to the Brazils’ Motion, containing no argument or legal authority, the Court ordered Plaintiffs to file a substantive response no later than June 6, 2025. *ECF No. 23*. In the Order, the Court warned Plaintiffs should they fail to file a substantive response to the Brazils’ Motion the Court will consider the Brazils’ Motion unopposed. *Id.* Plaintiff did not respond to the Court’s Order and the deadline to do so expired.

LEGAL STANDARD

When a party fails to respond to a motion, “the court may grant the motion as unopposed.” W.D. Tex. Civ. R. 7(d)(2). The Court may apply this terminal Local Rule to dispositive motions to dismiss. *Suarez v. Ocwen Loan Servicing, LLC*, No. 5:15-CV-664, 2015 WL 7076674, at *2 (W.D. Tex. Nov. 12, 2015); *Hernandez v. Deutsche Bank Tr. Co.*, No. EP-12-CV-282, 2012 WL 12887898, at *2 (W.D. Tex. Aug. 21, 2012).

DISCUSSION

Under the circumstances of this case, the Court will apply Local Rule 7(d)(2) which allows granting this dispositive motion, the Brazils’ Motion to Dismiss, (*ECF No. 17*), as unopposed.

CONCLUSION

Based on the foregoing, the Court therefore **GRANTS** the Brazils’ Motion to Dismiss, (*ECF No. 17*). Accordingly, Novita Brazil and Robert Brazil are **DISMISSED** as defendants.

To facilitate timely receipt of this Order, the Clerk of Court is **DIRECTED** to email a copy of this Order to Plaintiffs at:


1) tereshach@gmail.com

The Clerk of Court is further **DIRECTED** to mail, via certified mail with return receipt requested, a copy of this Order to:

1) Teresha Howard and Jamal Howard, 1938 Brogan Drive, Woodland, California 95776

It is so ORDERED.

SIGNED this 12th day of June, 2025.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE